

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLAH, *also known as* Edwin Randal
Coston,

Plaintiff,

v.

DAVID RYNN,

Defendant.

Case No. 2:01-cv-01943-BJR

VEXATIOUS LITIGANT BAR ORDER

This matter comes before the Court *sua sponte*. Over the last twenty years, Plaintiff Allah, also known as Edwin Randal Coston, has brought 43 lawsuits in the Western District of Washington, including the present action. Since filing his first action in 2000, Allah has not prevailed on any of his claims. Various courts within this jurisdiction have dismissed fifteen of his complaints for failing to comply with the district court's procedures, including failing to pay the required filing fees, filing suit outside of the permitted statute of limitations period, and failing to satisfy jurisdictional requirements. The courts have also dismissed six of these actions as duplicative¹. The remaining cases have been dismissed for failure to state a claim upon which relief can be granted, failure to allege sufficient facts to substantiate a claim, or failure to cite to any legal authority. On November 19, 2020, the Court brought this to Allah's attention, reviewed

¹ In several cases dismissed on other grounds, the courts have noted that Allah is a frequent litigant known to file frivolous lawsuits within this jurisdiction.

1 his prior frivolous filings, and determined that a vexatious litigant bar order should be issued
 2 absent some valid explanation by Allah for his actions. Dkt. No. 27. The Court gave Allah 21
 3 days to file a Response. Allah has failed to file a timely response to this Court's Order to Show
 4 Cause. As such, the Court has determined that this Vexatious Litigant Bar Order is warranted.

5 The Court's previous Order detailed Allah's previous frivolous litigation as follows:

6 Allah has filed several frivolous petitions for writ of habeas corpus under 28 U.S.C. §§
 7 2254 and 2255, including the following:

8 Case No. 07-cv-760-TSZ: Allah sought to challenge his 2002 King County Superior
 9 Court convictions. Dkt. No. 1. In his largely incomprehensible petition, Allah claimed, among
 10 other things, that: (1) he was kidnapped "by what purported to be a Search Warrant . . . dismissed
 11 for no probable cause", *id.* at 9, ¶ 1; (2) he "was twice put in jeopardy [by] the City of Seattle
 12 Police . . . [when he] was held in the King County Jail under administrative segregation under
 13 the false name Edwin R. Coston" without probable cause, *id.* ¶ 2; and (3) the King County
 14 Superior Court "lacked jurisdiction, abused the process, and has [*sic*] illegally imprisoned [him]
 15 without due process," *id.* ¶ 4. After reviewing his petition, the Court found that Allah failed to
 16 demonstrate that "any of his claims [were] eligible for federal habeas review" and therefore
 17 "decline[d] to serve the petition or to direct that an answer be filed." Dkt. No. 7 at 2. Allah was
 18 granted leave to amend his original petition to correct the noted deficiencies, which he failed to
 19 complete within the 30-day extension granted to him by the Court. *Id.* The Court dismissed the
 20 case, concluding Allah failed to demonstrate any eligible claims for federal habeas review. Dkt.
 21 Nos. 8 at 2; 9-10.

22 Case No. 12-cv-549-RSM: Allah alleged he was falsely imprisoned based on invalid
 23 judgments that list the name "Edwin Randal Coston" rather than his name, "Allah". Dkt. No. 1
 24 at 3. In his petition, he sought the following: (1) immediate release from custody; (2) monetary

1 relief in the amount of \$10,000; (3) a bus ticket to the State of New York; and (4) an injunction
2 against the City of Seattle Police Department to stop detaining and harassing him and his family.
3 *Id.* at 4. The Report and Recommendation (“R&R”) noted that Allah is a “frequent litigator” in
4 this jurisdiction who has “a virtually identical habeas petition” pending in the district court and
5 recommended dismissal “without further expenditure of judicial resources.” Dkt. No. 7 at 2.
6 The Court denied Allah’s application and dismissed his action as duplicative. Dkt. Nos. 9, 10.

7 Case No. 15-cv-1579-MJP: Allah claimed false imprisonment at Washington State
8 Penitentiary, malicious prosecution in various federal and state courts, and illegal restraint based
9 on jurisdictional grounds. Dkt. No. 1 at 1. As an initial matter, Allah failed to comply with the
10 statutory requirements for filing a habeas petition by failing to submit either the required filing
11 fee or an application to proceed *in forma pauperis*. Dkt. No. 3. He also failed to correct the
12 noted deficiencies, even after receiving a letter from the Clerk noting the errors and explaining
13 how to fix them, providing him the correct *in forma pauperis* application form to complete, and
14 providing him additional time to make the changes. *Id.* In response, Allah created his own rules
15 for filing a habeas petition by stating that he has already paid the filing fee with a “Certified
16 Promissory Note” attached to his initial filing and refused to file an *in forma pauperis*
17 application. Dkt. No. 4 at 2-3. After refusing to comply, Allah then objected to the R&R’s
18 recommendation for dismissal claiming he did not fill out the form because he was transferred
19 to a different section of the correctional facility in which he was housed and was not allowed to
20 take his legal materials with him. Dkt. No. 9. The Court found his arguments “unavailing” and
21 noted that the documents submitted by Allah failed to show that he lost or experienced difficulty
22 complying with the filing fee requirements of 28 U.S.C. §§ 1914 and 1915. Dkt. No. 10 at 1-2.
23 The case was dismissed without prejudice. Dkt. No. 10. Allah files an appeal with the Ninth
24 Circuit claiming the district court lacked jurisdiction. Dkt. No. 12. After the Ninth Circuit issued

1 a limited remand, the district court denied Allah's certificate of appealability finding that no
2 jurist could disagree that Allah failed to follow the requisite procedural requirements or make a
3 substantial showing of a constitutional violation. Dkt. No. 15.

4 Allah has also filed several frivolous motions seeking post-judgment relief in this
5 jurisdiction. For example, in Case No. 18-cv-1303-MJP, Allah brought several meritless
6 motions after the Court denied both his Motion to Proceed *In Forma Pauperis* and his Motion
7 for Immediate Release citing the three-strikes rule and his failure to pay the requisite filing fee.
8 Dkt. Nos. 4, 9. After the case was dismissed, Allah filed a Motion to Vacate Void Judgement
9 and a Supplemental Motion to Vacate Void Judgment. Dkt. No. 9. The Court found Allah's
10 present claims to be nearly identical to those submitted in his original petition, including his
11 allegations regarding his illegal detention and invalid conviction, which were dismissed. Dkt.
12 No. 14 at 2. The Court ordered that any and all future filings made by Allah in this case be
13 stricken without action or consideration. Dkt. No. 14 at 2.

14 Allah has also brought several frivolous civil rights actions under 42 U.S.C. § 1983,
15 including the following:

16 Case No. 08-cv-1352-JCC: Allah brought suit against the State of Washington
17 Department of Corrections and 42 additional defendants. Dkt. Nos. 9, 11. The Court described
18 Allah's claims in his Amended Complaint as "not entirely clear." Dkt. No. 15, ¶ 2. Allah sought,
19 among other things, (1) "monetary damages in the amount of \$25,000.00 per 23 minutes of
20 Unlawful Imprisonment" for a total of \$50,636,000,000.00 for eight years; (2) compensatory
21 damages in the amount of \$100,000 against each defendant; and (3) punitive damages in the
22 amount of \$100,000 against each defendant. Dkt. No. 8 at 8. After the Court dismissed Allah's
23 action without prejudice, Dkt. No. 17, Allah brought two additional motions seeking relief from
24 judgment restating his original, unsubstantiated claims that he is being unlawfully held under a

1 false name. Dkt. Nos. 25, 27. The Court found that both of Allah's motions cite no new grounds
2 or evidence for relief. Dkt. Nos. 26, 28. After the Court denied his first motion, Allah filed the
3 second motion restating the same allegation. Dkt. No. 27. The Court found that Allah "is placing
4 a burden on the Court by filing repeated meritless motions in this closed case and should not be
5 permitted to continue these actions at public expense" and thus "direct[ed] the Clerk not to file
6 further pleadings in this closed matter without permission from the Court." Dkt. No. 28 at 2.
7 The motions were denied. Dkt. Nos. 26, 28.

8 Case No. 19-cv-218-TSZ: Allah again alleged he is unlawfully imprisoned and serving
9 time for crimes committed by a different individual, Edwin R. Coston. Dkt. No. 1 at 3. The
10 Court dismissed Allah's complaint as "duplicative" and "untimely", Dkt. No. 4, noting he has
11 four strikes under 28 U.S.C. § 1915(g). *Id.*

12 Case No. 19-cv-2094-JCC: Allah brought the following five claims for relief against 12
13 government employees, including the Superintendent of Washington State Penitentiary: (1)
14 Impersonating a Judicial Judge; (2) Conspiracy, Kidnapping, Slavery; (3) Identity Theft, Theft
15 of Appeal Bond; (4) False/Illegal Imprisonment; and (5) Quiet Title Action. Dkt. No. 1. The
16 R&R described his claims as "based on a common theme, long advanced by [Allah] in this
17 [c]ourt, that his current confinement is unlawful because he is Allah©, not Edwin Randal Coston
18 who was convicted and sentenced in multiple state court criminal actions." Dkt. No. 7 at 1.
19 Allah objected to the R&R, Dkt. No. 8, which recommended the case be dismissed for his failure
20 to pay the filing fee. The Court adopted the R&R and dismissed the case without prejudice
21 finding that Allah is a "frequent flier who has accumulated enough 'strikes' over the years to bar
22 him from proceeding in the Western District of Washington, absent special circumstances". Dkt.
23 No. 12 at 1.

1 Case No. 19-cv-1065-BJR: Allah alleged: (1) King County Superior Court Clerk Paul
2 Sherfey engaged in “identity theft” by unlawfully hiding Allah’s criminal judgments under the
3 “bogus” name of Edwin Randal Coston; (2) Secretary of the Washington Department of
4 Corrections (“DOC”) Stephen Sinclair “used identity theft” to change the name listed on these
5 criminal judgments to Allah in the DOC’s database resulting in his false imprisonment; and 3)
6 he is illegally confined in the Intensive Management Unit by Superintendent of Washington State
7 Penitentiary Donald Holbrook. Dkt. No. 1 at 5-7. The Court dismissed the case without
8 prejudice, Dkt. No. 7, finding that Allah has not stated “a cognizable ground for relief in his
9 complaint against any of the named defendants”, Dkt. No. 5 at 5. The Court also noted that this
10 action constitutes Allah’s forty-third case filed within this jurisdiction since 2000. *Id.* at 2.

11 The above cases demonstrate Allah has engaged in continuous litigation misconduct by
12 filing numerous frivolous actions and refusing to respond to the Court’s orders to clarify his
13 claims. All of Allah’s prior actions have resulted in dismissals for failing to state a claim upon
14 which relief may be granted, for being duplicative and frivolous lawsuits, or for failing to comply
15 with court procedure. For cases that were dismissed based on improper court procedure, Allah
16 failed to pay the filing fees; or file a new pleading, objections, or some other coherent response
17 to justify why the case should otherwise not be dismissed. In each of those cases, Allah has
18 failed to respond within the provided timeframe, if at all. The Court therefore concludes that
19 Allah’s actions have placed an unwarranted burden on this Court and others within this
20 jurisdiction.

21 The All Writs Acts, 28 U.S.C. § 1651(a), provides that district courts have the inherent
22 power to enter pre-filing orders against vexatious litigants. *Molski v. Evergreen Dynasty Corp.*,
23 500 F.3d 1047, 1057 (9th Cir. 2007). Although such orders should be rare, “[f]lagrant abuse of
24 the judicial process cannot be tolerated because it enables one person to preempt the use of

judicial time that properly could be used to consider the meritorious claims of other litigants.”
De Long v. Hennessey, 912 F.2d 1144, 1148 (9th Cir. 1990). A vexatious litigant order should
be entered when: (1) the litigant has received notice and a chance to be heard before the order is
entered; (2) there is an adequate record for review; (3) the litigant’s actions are frivolous or
harassing; and (4) the vexatious litigant order is “narrowly tailored to closely fit the specific vice
encountered.” *Id.* at 1147-48; *Molski*, 500 F.3d at 1057.

Given Allah’s conduct noted above, the Court finds that the standard for a vexatious
litigant has been met here; and now ORDERS that Allah is subject to the following BAR
ORDER:

- 1) any and all of Allah’s future *pro se* complaints brought in the Western District of
Washington be filed under a miscellaneous case number designed for this purpose
pending the court’s review of each complaint;
- 2) the Clerk of the Court will not issue summons in any of Allah’s *pro se* actions without
approval of the Court; and
- 3) the Court may dismiss any of Allah’s future *pro se* complaints upon a finding that the
complaint suffers from the same effects outlined above without issuing an order to show
cause.

DATED this 15th day of December, 2020.



BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE